HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.8047of 2006

Dt.21.4.2006

Between:

Hariram and others … Petitioners

And

Municipal Corporation of Hyderabad,

Rep. Through its Commissioner

And another

…Respondents

ORDER:

Petitioners question the action of the respondents in seeking to demolish a part of the premises bearing Municipal No.1-9-1114 to 1119 situated at Vidyanagar, Hyderabad as illegal and arbitrary.

It is the case of the petitioners that the property admeasuring 2598 sq.meters bearing Municipal No.1-9-1114 to 1119 situated at Vidyanagar, Hyderabad, is their ancestral property. It is stated that

the petitioners made an application for permission to construct Cellar, Sub Cellar for parking, Ground + 4 Upper Floors for commercial purpose and an extent of 355.3 sq.meters was given for road widening with a view to get additional sanction. Accordingly, sanction was accorded by the respondent Corporation vide permit No.115/71 dt.25.11.2005. It is stated that the petitioners have constructed strictly in accordance with the sanctioned plan and the building is almost completed and part of the premises was also let out for business. While so, the officials of the respondent Corporation visited the site on 19.4.2006 and threatened to demolish a portion without giving any notice under Section 452 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') and without giving an opportunity to explain about the so called deviations or unauthorized construction.

Heard the learned counsel for the petitioners as well as the learned Standing Counsel on behalf of the respondents.

I am not inclined to express any opinion whether the petitioners have deviated the sanctioned plan or not. However, if any deviations and unauthorized constructions are made contrary to the sanctioned plan, it is open for the respondents to inspect and issue notice pointing out the deviations or unauthorized constructions and give reasonable opportunity to the petitioners to submit explanation and if proper explanation is not submitted the respondents shall pass appropriate orders under Section 636 of the Act and proceed with the demolition of the unauthorized structure. Till then, the respondents shall not demolish any portion of the said building in question.

The writ petition is disposed of accordingly. No costs.

V.ESWARAIAH, J.

21.4.2006

Note: Issue copy by 24.4.2006

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